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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,540	01/16/2004	Michael C. Owen	OWEN-001	7124

28661 7590 11/29/2006

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EXAMINER

COLLINS, DOLORES R

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,540

Applicant(s)

OWEN, MICHAEL C.

Examiner

Dolores R. Collins

Art Unit

3711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Examiner acknowledges response by applicant's representative received 11/10/06.

The final office action has been withdrawn. An office action on the merits is presented below.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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1. Claims 1-9, 11, 13-19, 21 & 23-27 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Richardson (424).

Richardson discloses a Portable Writing Board Structure.

Regarding claims 1, 9, 16, 21 & 26

Richardson teaches a system that has a body encased by trim, a base station with support members (see abstract and figure 4), a holder/fin (50), a board panel (10) locking members (32 and 34) disposed on the sides or trim of the panel (see col. 5, lines 41-60) and a rotatable/adjustable means or hinge (300 (see col. 6, lines 28-37).

Regarding Claim 2

Richardson fails to teach that his locking mechanism is a magnet. Magnets are however known in the art. They are known to be used as a means for securing. It would have been obvious to use a magnet as a means for securing/locking, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of suitability for the intended use as a matter of obvious design.

Regarding Claim 3

Richardson teaches a locking mechanism in one corner configured to attach to another panel (see col. 5, lines 41-60).

Regarding claims 4-5, 13-14, 18 & 23

Richardson teaches a holder/fin (50).

Regarding Claims 6 & 17

Richardson teaches a handle (14) on the exterior edge of his trim.

Regarding Claims 7 & 25

Robins teaches an area for storage purposes (tray) in the side of his base (see figures 2-4).

Regarding Claims 8 & 24

Richardson teaches a hinge (30) which facilitates rotation. Although Richardson's mechanism fails to explicitly teach a spring-loaded button, his device lends to the rotatable attachment of his portions (support member). Further applicant fails to demonstrate the criticality of button verses, any other which serves the same purpose.

Regarding Claim 11

Richardson teaches the use of a white board (see abstract).

Regarding claims 15 & 19

Richardson teaches a variety of surface embodiments and various types of materials (col. 7, lines 46-49).

Regarding claim 27

Richardson teaches a means for mounting his base to his stand (see figures 6-7).

2. Claims 10, 12, 20 & 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson (424) as applied to claims 1 & 21 and further in view of Robins (334).

Regarding Claims 10, 12, 20 & 22

Richardson fails to explicitly teach the type of material for his base and trim. Robins discloses a Turn And Tilt Easel. He teaches that his easel may be assembled using glue, nails or screws (see col. 1, lines 40-46). Inherent in this teaching is the use of materials like metal wood and plastic. It would have been obvious to modify Richardson to include similar materials to add variety to his design and production costs. *or obvious*

IF there is any doubt in the materials being inherent, the examiner takes official notice that these materials are well known in the art.

Response to Arguments

Applicant's arguments filed 11/10/06 have been fully considered. Applicant's arguments are moot in view of the action presented herein.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ***Dolores R. Collins*** whose telephone number is ***(571) 272-4421***. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ***Eugene Kim*** can be reached on ***(571) 272-4463***. The fax phone number for the organization where this application or proceeding is assigned is ***571-273-8300***.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).



11/24/06



EUGENE KIM
SUPERVISORY PATENT EXAMINER